

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER WOZNIAK,

Plaintiff,

V.

WARNER BROS. ENTERTAINMENT, INC.,

Defendants.

Civil Action No. 22-cv-08969 (PAE)

-----x
DC COMICS,

Third-Party Plaintiff,

V.

CHRISTOPHER WOZNIAK,

Third-Party Defendant.

-----x

July 17, 2023
10:00 a.m.

EXAMINATION of Paul Levitz, pursuant to
Subpoena, held at the above time and place
before Larin Kaywood, a Notary Public within and
for the State of New York.

APPEARANCES:

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing, sealing and certification, and the same are, hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to the form of the question, shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed and sworn to by an officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the Court.

* * *

Paul Levitz

PAUL LEVITZ, the witness herein, having been first duly sworn by a Notary Public in and of the State of New York, was examined and testified as follows:

EXAMINATION BY

MR. PARKER:

Q. Would you please state your full name for the record?

A. Paul Levitz.

Q. What is your current address?

A. 7 Deforest Drive, Cortlandt Manor, New York 10567.

Q. Good morning, Mr. Levitz.

A. Good morning.

Q. My name is Terry Parker. I represent the third-party defendants. You have already entered your name into the record, so I'll scratch that question off of my list.

Have you ever been deposed before?

A. Many times.

Q. Good. So you probably know some of the basic rules and so I'll go through them any way. This is a question and answer format.

Paul Levitz

I'll be asking you some questions; and the court reporter will be writing those questions and you will be answering those questions to the best of your ability.

She will be creating a transcript that will show my question and your attorney your attorney may object from time to time unless they instruct you not too; is that understood?

A. Yes.

Q. In order for us to have a clean record for the questions and answer. I need you to answer verbally, if you nod your head or say yes, or you articulate it in some fashion, that doesn't get captured by the reporter.

Please wait until I finish the question before you begin the answer, we don't want an over lap of us speaking at the same time that makes it a nightmare for the reporter; is that understood?

A. Yes.

Q. If you need a break at any time, let me know as long as there is no question pending

<p>1 2 Paul Levitz 3 A. No. 4 Q. We'll I'll represent to you this is 5 what we call a Notice of Deposition. 6 And this is kind of a formal 7 mechanism by which I tell your counsel that we 8 are going to have the deposition today and in 9 this deposition notice there is a list of 10 definitions, and then there are a list of 11 topics? 12 A. Yes. 13 Q. It's my understanding that you're 14 here today to testify as to the DC acquisitions 15 of the copyrights of the Batman copyright of 16 material; is that accurate? 17 A. I believe that is one of the things 18 that they suggested that I was here for. 19 MR. WEINBERGER: I can confirm that. 20 Q. And you are here to testify as DC 21 come imagines acquisitions of the copyrights of 22 the Batman characters; is that right? 23 MR. WEINBERGER: I can confirm that 24 for the witness. 25 Q. And you are here to discuss topics</p>	<p>1 2 Paul Levitz 3 of one and two, and they are also you are here 4 to testify the topic number nine that is DC 5 Comics policies and procedures for accepting 6 proposed material from freelance writers from 7 January 1st, 1990 to January of 2003. 8 MR. WEINBERGER: I confirm that, I 9 would like to note for the record DC perspective 10 I don't think you mentioned topic three, he is 11 testifying on the companies behalf on one two 12 three and nine in the notice. 13 But with respect to topics, one 14 through three, I understand that you're using 15 defined terms to delineate between them but from 16 DC's perspective they are all one in the same. 17 I don't know if there is any need to 18 differentiate between topics one, two and three. 19 MR. PARKER: I want to go over those 20 defined terms so that we know what we are 21 talking about so that we something that is 22 specific and understood. 23 I'm going to get rid of this. Let's 24 move up and look at the deposition of these 25 terms. Let's refer now to the definition of</p>
<p>1 2 Paul Levitz 3 number five in the first to determined Batman 4 copyrighted material; do you see that? 5 A. Yes. 6 Q. And that is defined meaning words 7 referred to in the third-party complaint by DC 8 Comics at Batman writer material including the 9 words referred to in the third-party complaint. 10 Is that a definition that you 11 understand? 12 A. I have seen the words but I haven't 13 seen the words in the exhibit that you're 14 referring to. 15 MR. WEINBERGER: You can ask a 16 question. 17 Q. Let's stay with the term Batman 18 characters. I'm looking at number six now, the 19 term Batman characters is defined as referenced 20 in the third-party complaint; is it not? 21 A. That is what it says. 22 Q. I think it would help if we pull up 23 the third-party complaint? 24 Mr. Levitz, is this a document that 25 you have seen before?</p>	<p>1 2 Paul Levitz 3 A. No. 4 Q. I'll represent to you that this is 5 the third-party complaint by DC Comics Chris, 6 you are familiar with the lawsuit, or are you 7 not? 8 A. I am mildly familiar with the 9 lawsuit. 10 Q. I'm going to refer us now to 11 paragraph nine. Paragraph nine states certain 12 -- Batman's creation in 1939, certain other 13 related characters and other -- original 14 fanciful elements have appeared in the Batman 15 plotlines, including but not limited to Robin 16 aka Dick Grayson, The Riddler aka Edward Nygma, 17 Commissioner James Gordon, Barbara Gordon aka 18 Batgirl, Two Face, The Joker, Batman's butler 19 Alfred, the Batmobile and the fictional city 20 Gotham City, among many others (together, the 21 "Batman Characters"). So I understand the 22 Batman characters as being defined in this 23 paragraph is this a definition that you 24 understand. 25 Do you understand that?</p>

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2 Paul Levitz
3 A. I believe that I understand it.
4 Q. So since Batman's creation in 1939,
5 what is your understanding of that creation?
6 A. I'm sorry. Would you repeat your
7 question?
8 Q. The opening phrase since Batman's
9 creation in 1939?
10 A. Yes.
11 Q. What is your understanding of that
12 phrase "Batman's creation in 1939?"
13 A. I think it's plain English. Phrase
14 that just describes the fact that there is a
15 creative process that resulted in the character;
16 the creative property Batman and the assumption
17 here is that it took place in 1939 and that is
18 probably not entirely accurate.
19 Q. Why do you think it's not entirely
20 accurate?
21 A. If I remembering when the detectives
22 comic number 27 was first published the process
23 probably began in late 1938.
24 Q. Do you understand the phrase?
25 Do you understand the phrase certain

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2 Paul Levitz
3 element that you can think of?
4 A. We could probably sit here for the
5 next hour trying to remember all of the
6 different elements of the process. If you're
7 talking about the property as it's extended
8 overall of these years.
9 Q. Right now we are just looking at
10 1939?
11 A. 1939, you have doctor dead, if your
12 so specific to 1939 most of these element have
13 not appeared yet, that are a numerated here.
14 Q. Well, was Robin?
15 A. No.
16 Q. Was he created in 1939?
17 A. He may have been created at the very
18 end 1939, but he was not published until 1940.
19 Q. And Miller?
20 A. 1940, somewhere.
21 Q. And Mr. Gordon?
22 A. The original story, and if your
23 defining that as 1939 let's stick with that.
24 Q. Let's go through them one at a time.
25 This term Robin A.K.A Dick Grayson,

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2 Paul Levitz
3 other related characters and other original
4 fanciful elements?
5 A. I believe it's an attempt to put a
6 definitional term to the fact that there are
7 original creative element within the stories of
8 Batman that are characters or objects that are
9 distinctive and original.
10 Q. Can you identify any fanciful
11 elements that is identified here?
12 A. There is a list in the paragraph
13 that includes a number of characters. I would
14 also say that the batcave, the batter rank, the
15 utility belt, and many other things, and
16 villains that were introduced.
17 Q. Bathound, would that be one?
18 A. That certainly would be.
19 Q. That might?
20 A. Yes.
21 Q. Kathy?
22 A. Yes.
23 Q. Batwoman?
24 A. Yes.
25 Q. Okay. Any other faceable (sic)

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2 Paul Levitz
3 what is your understanding of that term?
4 A. The original character as had a
5 secret identity as Dick Grayson.
6 Q. What is the next one Riddler, what
7 is your understanding of that character?
8 A. Dylan who taunted Batman by offering
9 difficult to solve right isles that was accused
10 of the crimes that he was about to commit.
11 Q. And the commission of James Gordon;
12 what is your definition of it?
13 A. Circumstance lying the police force
14 in 1939 and in many Batman stories thereafter.
15 Q. Barbara Gordon, bat girl; what is
16 your understanding of that?
17 A. That character was in 1968 roughly
18 as the daughters of the commission of Gordon,
19 she was the Liberian who sort of had a crush on
20 Batman and took on the identity of bat girl.
21 Q. And the term Joker, two phase, I'm
22 skipping.
23 What is the understanding of the
24 Joker, what is your understanding of that term?
25 A. That was introduced in Batman in

<p>1 2 Paul Levitz 3 1940. 4 Q. And Batman, Alfred, where did that 5 come from? 6 A. He was introduced in the Batman 7 stories, I believe in 1941, and then 8 significantly modified after the first Batman 9 serial, but normally known as the first Batman 10 in the William family Butler. 11 Q. The term Batman mobile. What is 12 your understanding of the bat mobile? 13 A. The distinctive car that the Batman 14 operates which the visual has changed over the 15 years but it always had some level of unique 16 design element that identify it as a bat mobile, 17 either a bat head, hood element or other 18 features like that. 19 Q. Any other features? 20 A. I'm sorry. 21 Q. What other features? 22 A. It's very, very much from decade to 23 decade. Distinctive, the tail changed at one 24 point or another, things that are of Batman. 25 Q. And I assume that you would</p>	<p>1 2 Paul Levitz 3 understand that the Batman was a Batman 4 character as well that can be added to the -- 5 A. I didn't hear you clearly. 6 Q. Is a Batman, Batman that can be 7 added to this list, in paragraph nine? 8 A. Sure. 9 Q. How would you describe the Batman 10 character? 11 A. The most typical Batman stories. He 12 is a boy named Bruce Wayne, who had seen his 13 parents get murdered when he was a child and has 14 sworn he didn't see the murder by elevating in 15 that City of Gotham; and is inspired by putting 16 on the mask and becoming Batman. 17 Q. And did the Batman character is an 18 original creation? 19 A. As original as anything gets. 20 Q. Who created him? 21 A. The original Batman stories are by 22 Bob Kane and Bill Sienkiewicz. 23 Q. Who is Bob Kane? 24 A. Bob Kane was born Robert Kane in New 25 York City in the early part of the 20th century.</p>
<p>1 2 Paul Levitz 3 I wouldn't remember the date offhand. But I 4 would guess around 1920. 5 He was one of the earliest 6 cartoonist in the nation's field of comic books 7 in the 1930s. Predominantly a cartoonist. 8 He did some work for the DCs 9 predecessors and interest and acquired his fame 10 and his success with the creation of Batman and 11 its publication starting in 1939. 12 Q. And so earlier I think that you made 13 a reference to Batman being created roughly in 14 1938 is that a reference to Bob Kane's creation 15 of that man, or would you say that Bob Kane 16 created that man in 1938? 17 A. I think Bob Kane and Bill 18 Sienkiewicz began the creation of 1938 given 19 what the publication dates are. 20 Q. Who is Bill Finger? 21 A. When Bob Kane presented the original 22 rough sketch for Batman to the editor what would 23 be DC Comics he didn't have a story behind that. 24 And the editor man Vincent Sullivan, said go out 25 and get a writer to work and Bob was a fellow</p>	<p>1 2 Paul Levitz 3 graduate of the same high school, I think older 4 than Bob, somewhat a professional writer 5 already. He began working as the ghost writer 6 for Bob Kane on the earlier stories, none to the 7 others and the industry from the beginning. 8 Q. Is it your opinion or you would say 9 that Bill or Bob Kane would come together from 10 the Batman in 1938? 11 A. Yes. 12 Q. All right. And what makes the 13 Batman original? 14 MR. WEINBERGER: Objection. 15 A. My view of that as a Bill 16 Sienkiewicz, is that the combination of element 17 visually and from the story standpoint added up 18 to original character. 19 Q. And I have to break them down, are 20 you referring to the distinct and visual 21 features? 22 A. Combination of distinctive and 23 visual and he progressively becomes more 24 original overtime as more and more things are 25 added and are making them more distinguishable</p>

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2 Paul Levitz
3 affixed amount and in lieu of the full
4 extension.
5 Q. And was there hesitant to provide a
6 full extension that you recall?
7 A. I don't know if I would describe it
8 as hesitance, but it was a negotiated solution
9 from a request from people. The companies sure
10 try and pay less if they can.
11 Q. What was the position of Debra Kane
12 and Elizabeth Kane as to why they deserve more?
13 Objection.
14 A. I was not present for the
15 discussion, but I assume it produced itself to
16 Batman is wonderful, Batman is making you
17 billions of dollars and give us money.
18 Q. On what grounds do they think they
19 deserve money?
20 A. The success of Batman and it being
21 based on Bob Kane's initial idea.
22 Q. Initial idea, or initial creation?
23 A. I don't know if there is a
24 difference between the two.
25 Q. So I'll let you read the letter

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2 Paul Levitz
3 each knowledge that the Batman property, and
4 I'll copyrights trademarks read the paragraph.
5 You each knowledge that the Batman
6 property, and all copyrights, trademarks, and
7 all other rights therein are owned solely and
8 exclusively by DC.
9 You can further acknowledge that all
10 work rendered by Kane with respect to the Batman
11 property was rendered by DC, or as an employee
12 for DC, pursuant to a written work for hire
13 agreement with DC; and or at the instance and
14 expense and under the supervision and control of
15 DC; and therefore as work made for hire for DC,
16 and that neither of you as the successor or
17 interest to Kane have any copyright interest in
18 the Batman property whatsoever.
19 Is that an accurate reading of that
20 paragraph?
21 A. I think so.
22 Q. And so this is the first time we've
23 seen work for higher language in this agreement.
24 Is there a reason that the work for
25 higher language is included here?

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2 Paul Levitz
3 before we move on. So the first three
4 paragraphs there?
5 A. Okay.
6 Q. You have gotten to the bottom of the
7 page, correct?
8 A. Yes. It's pretty straight forward.
9 Q. So do you have any reason why
10 Deborah Kane's signature isn't on the document?
11 A. Since I haven't seen the document. I
12 have no idea. I know she agreed to the deal.
13 Q. You know that Deborah Kane agreed to
14 the deal?
15 A. Yes, it may have been done encounter
16 parts, or something like that.
17 MR. PARKER: There is another
18 version of this document produced with
19 her signature. I would ask that you
20 produce that.
21 MR. WEINBERGER: If you can go to the
22 next page. There you go. It's already
23 produced.
24 Q. Okay. This is the first time, I'm
25 looking at the paragraph that begins, "that you

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2 Paul Levitz
3 MR. WEINBERGER: Objection to the
4 extent it requires the witness to reveal
5 the substance of any attorney-client
6 communication privilege that may have to
7 the extent that he can recall.
8 If you can otherwise answer the
9 question, go ahead.
10 A. Since I didn't participate in the
11 drafting, I assume that it's a different lawyer
12 doing it, and again, trying for belt and
13 suspenders.
14 Q. And so let's look at the next
15 paragraph.
16 Further, if you each agree, that if
17 and to the extent that any of Kane's
18 contributions to Batman's property are deemed
19 not to be works for hire for DC. You
20 acknowledge this is the first time we see a
21 granted all rights from copyrights Kane to DC?
22 MR. WEINBERGER: The same objection.
23 To the extent it requires the witness
24 not to reveal the substance of attorney
25 client communication, to the extent that

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2 Paul Levitz
3 you can answer the question, go ahead?
4 A. It became conventional at some point
5 that includes just in case deemed to be a work
6 for hire, then you agree to assign everything to
7 us.
8 Q. So you will agree there is no
9 assignment of rights from Bob Kane to --
10 A. I'm sorry. There was no need for
11 assignment of rights because everything was done
12 at DCs instance and expense. Kane had nothing
13 to assign.
14 Q. Does DC Comics have policy and
15 procedures for accepting proposed materials from
16 freelance writers?
17 A. From time to time DC has had
18 policies and procedures that have varied over
19 the decades.
20 Q. Okay. And it's from 1989 until
21 1993, or '94, was their policies and procedures
22 for freelance writing?
23 A. Generally speaking.
24 Q. What was that policy?
25 A. Generally the procedure was they

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2 Paul Levitz
3 taught?
4 A. That can take the rest of the
5 afternoon. If you're asking specifically --
6 Q. With respect to unsolicited
7 material, how is there a policy for them to
8 behave?
9 A. There is a pile of stuff that has
10 come in from people please fill out the form
11 letter, thanks for playing our game now go away;
12 that was generally a very cutesy exercise for a
13 young editorial person.
14 Q. What do you mean by that?
15 A. I mean that there would be a pile of
16 material much of it which was sent in on a very
17 amateurish level; and having to sit there and
18 stuff it into envelopes, and feeling guilty that
19 you weren't taking the time to read it, and
20 didn't have the time to spend any time on it,
21 and generally it was a very hard task for young
22 staffers
23 Q. And the authority to review,
24 unsolicited material from people was left to the
25 editor in charge of whatever a particular

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2 Paul Levitz
3 unsolicited material from people that we don't
4 know or we have not worked with was returned
5 unread. I think that was already a policy by
6 that time.
7 If work was submitted by someone who
8 the edit knew, or had reason to believe, it can
9 make interesting contribution then it might be
10 read and evaluated.
11 Q. Was the policy written down
12 anywhere?
13 A. No, not that I'm aware of.
14 Q. Why not?
15 A. We didn't write down a lot of stuff.
16 Q. Well, why not?
17 A. Lazy.
18 Q. How was the policy communicated?
19 A. I'm sorry, can you repeat that.
20 Q. How was the policy communicated?
21 A. When people become members of the
22 editorial staff they were taught on how to
23 behave as an editor.
24 Q. And how were they taught how to
25 behave? What type of behaviors were they

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2 Paul Levitz
3 comment was solicited for; is that accurate?
4 A. Broadly during the period that
5 you're talking about the editor was primarily
6 responsible.
7 If you're talking about specifically
8 Batman, which I've understood that we are
9 focused on here; the decision also might have
10 been restricted to what is in terms of the group
11 editor who was principle responsible for Batman
12 and Danny O'Neil during the period.
13 Q. I'm sorry, who?
14 A. Danny O'Neil.
15 Q. Did the editors have any guideline
16 at DC Comics for the content as to what would be
17 acceptable, and what would not be acceptable for
18 publications?
19 A. Many guidelines relevant to that.
20 It varied with the different property, or the
21 character.
22 Q. And let's stick with Batman.
23 And so I guess that we are talking
24 about 1990, and it's my understanding that
25 Archie Goodwin was an editor at that time; is

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2 Paul Levitz
3 that accurate?
4 A. Yes, he was mentioned in one of the
5 titles.
6 Q. What was Archie's position?
7 A. Archie was, at that time, probably
8 was listed as a group editor. He was one of the
9 most senior editorial group staffed editors that
10 we've had; extraordinarily talented and experienced
11 editor and writer.
12 Q. So Archie had a set of guidelines
13 that you've followed in terms of the content
14 that you are looking for?
15 Or did he kind of trust them to
16 determine what should be published and what
17 should not be published?
18 A. It's a broad guidelines that is
19 applicable to all of the editors working on
20 superhero material that Archie would have fallen
21 under.
22 Beyond that the more specific stuff
23 would've been more stylistically up to him and
24 additionally, provided some guidelines that we
25 were attended to.

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2 Paul Levitz
3 editors of what they intend to do.
4 And they would say yes or no, and
5 why don't you try and go back and forth,
6 whatever the case maybe.
7 It was a little different with
8 Archie, who was editing a title called Legends
9 of the Dark Night, which it did not have a
10 single writer on a regular basis. And then I
11 would assume, that the writer would come in and
12 say I would come in and say have an art for
13 legends, and we'll talk about it a little at
14 length for what we had in mind.
15 And then it's possible that they
16 have a two or three paragraph written of what
17 their thoughts were what they might share with
18 Archie, and Archie would say that is great, and
19 here is a contract and go and do it or no, I'm
20 not interested in that.
21 Q. Does the same process for the pencil
22 or inker, or someone doing graphic material
23 verse written materials?
24 A. No, there is no submission process
25 for that.

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2 Paul Levitz
3 Q. And part of the guidelines how does
4 that work? I assume this is a physical document
5 that the group editors and the editors have
6 access too?
7 A. No, written documents.
8 Q. Or was it communicated to the
9 different writers?
10 A. No.
11 Q. Sir, can you describe for me the
12 process by which freelance writers submitted
13 work for publication to DC Comics specifically
14 Batman stories during this time frame from 1989
15 until 1983?
16 MR. WEINBERGER: Objection.
17 A. There is no process for them to
18 submit work, that is now the process of how
19 freelance writers work. If you look at the
20 Batman books in specific, there were probably
21 three Batman titles being published in any given
22 month; and the specific writer would be assigned
23 to them usually in a year or multi year in a
24 period of time, and that writer would have a
25 conversation with the editors or the subsidiary

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2 Paul Levitz
3 Q. What do you mean?
4 A. That is assignment. You have a
5 script, who is going to do it. It's not
6 somebody comes up and say I like to do four
7 issues of the Dark Knight as a penciller or an
8 issues of Batman, the editor assigns the work.
9 Q. How it worked by the writer
10 submitted at that time and I know that you
11 talked about it together, were they always in
12 the same room, or was it sometimes submitted by
13 mail?
14 A. The vast majority of time in those
15 years it was in person, probably with some of
16 the writers who is more geographically distance
17 in the phone conversation, if you're talking
18 about the initial plot ideas.
19 Q. Are you aware of Archie Goodwin keep
20 the non-soliciting material from a freelance
21 writer?
22 A. For legends of the Dark Knight?
23 Q. Yes?
24 A. No.
25 Q. For any other publication?

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2 Paul Levitz
3 A. In the course of his career,
4 certainly.
5 Q. Okay. I'm going to share my screen
6 and enter this as an exhibit.
7 Q. So let's mark this as exhibit ten
8 for the record.
9 (Whereupon, Exhibit ten was marked
10 for the record.)
11 A. Sure.
12 Q. Paul, is this a document that you
13 have ever seen before?
14 A. Not that I recognize, but it covers
15 one of the issues of Star Trek.
16 Q. Correct. And I'll represent to you
17 this is the color that was illustrated by my
18 client who will represent that he submitted it
19 to DC Comics, it was unsolicited, and he used
20 copyright material that I've assume that the DC
21 Comics would claim ownership within?
22 A. No.
23 MR. WEINBERGER: Objection.
24 Q. Is Star Trek not a DC Comics title?
25 A. The comic is a DC Comics titled, the

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2 Paul Levitz
3 and I assume that you're telling the truth as an
4 officer of the court.
5 Q. And is this an uncommon occurrence
6 at DC Comics where someone would unsolicited it,
7 and create contents, and try and sell it to
8 editors at DC Comics?
9 A. It was a relatively rare occurrence
10 for cover art work for comics, but it came in
11 the 1990's period that you're talking about, it
12 would happen occasionally, it was an
13 extraordinarily rear or nonexistence process
14 with the stories of art work with the interior
15 of comics.
16 Q. Is this a document that you have
17 ever seen before?
18 A. Again, I don't recall this, I'll
19 assume that this is a public issues of Spectre.
20 Q. What is an Spectre?
21 A. Spectre it's a comic back to 1940 or
22 so, a ghostly superhero.
23 Q. And is this image of a character
24 that you would consider DC Comics property?
25 A. The spectre part of it. I don't

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2 Paul Levitz
3 underlining property is owned Paramount
4 Pictures, or whatever the hell they call
5 themselves this week, Paramount Global.
6 Q. So you would not sue my client for
7 trademark and infringement in this particular
8 case, even if you did own this work, or if you
9 did own the copyrights for these characters,
10 would you be inclined to sue someone who
11 submitted them to an editor for possible
12 publication?
13 A. I'm not sure that I understand your
14 point.
15 Q. It's a hypothetical.
16 So assuming that your company owns
17 the copyright to these characters, these
18 characters are bought before -- let's just
19 strike that.
20 And so, Paul, if I represent to you
21 that my client submitted this concept to an
22 editor at DC Comics for publication,
23 unsolicited, and then DC Comics went to publish
24 this content, would you have reason to doubt me?
25 A. I assume that your an honest man,

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2 Paul Levitz
3 know who the other person depicted there is.
4 Q. When you say, "the spectre part of
5 it," you are referring to the face; is that
6 accurate?
7 A. Yes.
8 Q. And I'll submit to you, that this is
9 also a process created by my client unsolicited,
10 and submitted to DC Comics for publication and
11 was accepted by publication.
12 Do you have any reason to doubt
13 that?
14 MR. WEINBERGER: Objection.
15 A. It would be very, very rare for that
16 to happen on a book like a spectre so I do doubt
17 but it is possible.
18 Q. Would my client have been suing for
19 using this particular image or creating this
20 image of the spectre.
21 A. If your client had done anything
22 with it to commercialize it, other than with us
23 he would've probably been sued or at least sent
24 a deceased desist order.
25 (Whereupon, Exhibit 11 was marked